



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 2403-00
18 May 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you enlisted in the Navy on 3 February 1997 at age 19. Your record reflects that on 11 September 1997, you were awarded nonjudicial punishment for unauthorized absence. Your punishment included a forfeiture of \$100.00 pay per month for one month, and restriction and extra duty for seven days. The restriction and extra duty were suspended for six months. You were counseled that further misconduct could result in administrative separation. On 6 October 1997, your suspended restriction and extra duty were vacated due to further misconduct. On 13 March 1998 you were convicted by special court-martial of failure to obey a lawful general regulation. You were sentenced to a fine of \$500.00 pay per month for three months, and 90 days confinement.

On 24 March 1998, your commanding officer recommended that you be administratively separated under other than honorable conditions by reason of a pattern of misconduct and commission of a serious offense. On 31 March 1998, you were notified of your command's recommendation. You were advised of your rights, however, you chose to waive all of them, to include your right to confer with qualified military legal counsel. On 15 April 1998, the Bureau of Naval Personnel approved your discharge under other than honorable conditions by reason of a pattern of misconduct. You were discharged under other than

honorable conditions by reason of a pattern of misconduct on 28 April 1998.

In its review of your application, the Board considered all possibly mitigating factors, such as your immaturity at the time of your offenses. However, they concluded that your repeated pattern of your misconduct and your conviction at a special court-martial warranted your type of discharge. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director